



C.R.P(NPD).No.1985 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1985 of 2022

Periyasamy

... Petitioner

..Vs..

- 1.A.Govindarajan
- 2.R.Neduchezhiyan
- 3.The Sub Registrar,
Sub Registrar Office – 1,
Krishnagiri Taluk and District.
- 4.Chinnaraj
- 5.Gopy

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed by the learned Additional District Judge, Krishnagiri in I.A.No.1 of 2019 in O.S.No.102 of 2018 dated 06.09.2019 and to implead the proposed defendants 4 and 5 in the main suit.

For Petitioner : Mr.S.Nambirajan

ORDER

This Civil Revision Petition has been preferred challenging the learned Additional District Judge, Krishnagiri in I.A.No.1 of 2019 in O.S.No.102 of



C.R.P(NPD).No.1985 of 2022

2018 dated 06.09.2019 and to implead the proposed defendants 4 and 5 in the main suit.

2.The revision petitioner is the plaintiff who has filed the suit against the respondent for the relief of specific performance. During the pendency of the suit, the petitioner has filed a petition in I.A.No.1 of 2019 to implead the proposed parties/respondents 4 and 5 as parties to the proceedings and the said petition was dismissed. Aggrieved over that, the petitioner has preferred this revision.

3.The learned counsel for the petitioner submitted that the proposed 4th respondent is the power holder of the defendants 1 and 2 and the 5th respondent is the subsequent purchaser and hence, they are necessary parties to the suit and they should be impleaded as parties.

4.Admittedly, the suit property belongs to the defendants 1 and 2. Any Power of Attorney can execute the sale agreement on behalf of his principal only on the basis of power given to him. The Power of Attorney cannot claim any ownership over the property and his presence is not necessary for effectively disposing the matter in issue. The 5th respondent is said to be a



C.R.P(NPD).No.1985 of 2022

subsequent purchaser of the suit property. Supposing, the 5th respondent has purchased the property 'sub-judice', he is under the risk of facing a decree if any passed in favour of the plaintiff at any future point of time. The agreement between the plaintiff and the defendants 1 and 2 or any other parties is totally unnecessary to the proceedings and to decide the matter in issue.

5. Supposing if the subsequent purchaser has filed a petition to implead himself as party because of his own interest that is understandable. The plaintiff need not implead one or several subsequent purchasers, who had taken the risk of purchasing the property 'sub-judice' and the decree if any passed against their vendor would bind them also. The learned trial Judge has rightly dealt the issue and hence, I do not find any reason for interference.

6. Accordingly, the Civil Revision Petition is dismissed and the learned Additional District Judge, Krishnagiri in I.A.No.1 of 2019 in O.S.No.102 of 2018 dated 06.09.2019, is hereby set aside. No costs.

30.06.2022

vkf

Index: Yes No

Speaking Order: Yes/No

3/4



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C.R.P(NPD).No.1985 of 2022

R.N.MANJULA,J.

Vkr

To

- 1.The Additional District Judge,
Krishnagiri.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

C.R.P.(NPD).No.1985 of 2022

30.06.2022